



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FIRST CLASS MAIL AND FACSIMILE**

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Washington, DC 20005

**JUL 18 2011**

Facsimile: (202)479-1115

RE: MUR 6451  
MoveOn.org

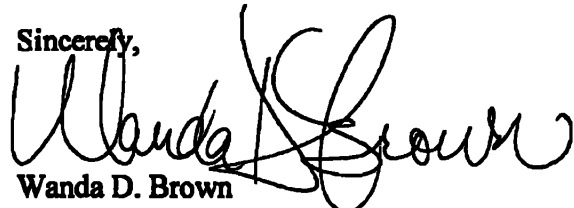
Dear Mr. Hershkowitz:

On July 14, 2011, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 2 U.S.C. § 434(g) and 11 C.F.R. § 104.4(b), provisions of the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Wanda D. Brown  
Attorney

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
MoveOn.org and Wes Boyd, in his ) MUR 6451  
Official capacity as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that MoveOn.org and Wes Boyd, in his official capacity as treasurer, ("the Committee" or "Respondents") violated 2 U.S.C. § 434(g), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") and 11 C.F.R. § 104.4(b) and (c), provisions of the Commission's regulations.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. MoveOn.org is a political committee within the meaning of 2 U.S.C. § 431(4).

1                   2. Wes Boyd is the Committee's treasurer.

2                   3. A political committee that makes independent expenditures aggregating  
3 \$10,000 or more with respect to a given election at any time during a calendar year up to and  
4 including the 20<sup>th</sup> day before the date of an election shall file a report describing the expenditures  
5 within 48 hours. 2 U.S.C. § 434(g)(2)(A) and 11 C.F.R. § 104.4(b)(2). The political committee  
6 must ensure that the Commission receives such reports, known as 48-Hour Notices, by the end of  
7 the second day "following the date on which a communication that constitutes an independent  
8 expenditure is publicly distributed or otherwise publicly disseminated." 11 C.F.R. § 104.4(b)(2).  
9 The Committee shall file additional reports within 48 hours after each time it makes or contracts  
10 to make independent expenditures aggregating an additional \$10,000. *Id.*

11                  4. A political committee that makes or contracts to make independent  
12 expenditures aggregating \$1,000 or more with respect to a given election after the 20<sup>th</sup> day, but  
13 more than 24 hours before the date of an election, shall file a report describing the expenditures  
14 within 24 hours. 2 U.S.C. § 434(g)(1); 11 C.F.R. § 104.4(c). The reports, known as 24-Hour  
15 Notices, must be filed within 24 hours "following the date on which a communication that  
16 constitutes an independent expenditure is publicly distributed or otherwise publicly  
17 disseminated." 11 C.F.R. § 104.4(c). The Committee shall file additional reports within 24  
18 hours after each time it makes or contracts to make independent expenditures aggregating an  
19 additional \$1,000. *Id.*

20                  5. On October 13, 2008, MoveOn.Org filed its 2008 October Quarterly Report,  
21 which included a Schedule E disclosing 87 independent expenditures totaling \$4,091,644 that  
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1 supported or opposed Federal candidates in the 2008 general election. However, the Committee  
2 failed to file 48-Hour Notices for twelve of the independent expenditures totaling \$557,082.36.

3 6. On December 2, 2008, MoveOn.org filed its 2008 30-day Post-General report  
4 which included a Schedule E disclosing 41 independent expenditures totaling \$502,794.34 that  
5 supported or opposed Federal candidates in the 2008 general election. However, the Committee  
6 failed to file 24-Hour Notices for eight independent expenditures totaling \$158,393.02.

7 7. MoveOn.org contends that the failure to file 24- and 48-Hour Notices was the  
8 result of an inadvertent administrative or technical error. MoveOn.org contends that for unknown  
9 reasons, some of the Notices were not uploaded to and received by the Commission even though  
10 MoveOn.org had prepared electronic submissions using FECfile software, and that one 48-Hour  
11 Notice disclosing inaccurate information was filed, but that Notice disclosed data from an earlier  
12 filing that uploaded to the Commission. MoveOn.org contends that it was unaware that the  
13 Notices were not timely filed until it received Requests For Additional Information ("RFAs")  
14 from the Commission. MoveOn.org maintains that prior to and after the Notices in question, it  
15 has successfully filed 24- and 48-Hour Notices of independent expenditures in a timely manner,  
16 and that in response to the issues in this matter, has instituted procedures to ensure that 24- and  
17 48-Hour Notices of independent expenditures are timely filed with the Commission.

18 V. Respondents violated 2 U.S.C. § 434(g) and 11 C.F.R. § 104.4(b) and (c) by  
19 failing to timely file 48-Hour Notices and 24-Hour Notices disclosing independent expenditures.

1 VI. Respondents will take the following actions:

2 1. Respondents will pay a civil penalty to the Federal Election Commission in the  
3 amount of Forty Three Thousand Dollars (\$43,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

4 2. Respondents will cease and desist from violating 2 U.S.C. § 434(g) and  
5 11 C.F.R. § 104.4(b) and (c).

6 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
7 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance  
8 with this agreement. If the Commission believes that this agreement or any requirement thereof  
9 has been violated, it may institute a civil action for relief in the United States District Court for  
10 the District of Columbia.

11 VIII. This agreement shall become effective as of the date that all parties hereto have  
12 executed same and the Commission has approved the entire agreement.

13 IX. Respondents shall have no more than 30 days from the date this agreement  
14 becomes effective to comply with and implement the requirements contained in this agreement  
15 and to so notify the Commission.

16 X. This Conciliation Agreement constitutes the entire agreement between the parties  
17 on the matters raised herein, and no other statement, promise, or agreement, either written or  
18 oral, made by either party or by agents of either party, that is not contained in this written  
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1 agreement shall be enforceable.

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3 FOR THE COMMISSION:

4 Christopher Hughey

5 Acting General Counsel

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BY:

*K M. Guith*

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Kathleen M. Guith

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Acting Associate General Counsel

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for Enforcement

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FOR THE RESPONDENTS:

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Name: *Nail Pratt*

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Position: *Counsel*

*7-15-11*

Date

*6/8/11*

Date

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